

REMARKS/ARGUMENTS

Claim 1 remains in this application. In the Final Office Action dated September 30, 2003, claim 1 of the present application was rejected under 35 USC 103(a) as being unpatentable over Fillion, et al. (United States Patent No. 5,952,360) in view of Fillion, et al. (United States Patent No. 5,448,028) and in further view of Spanjer (United States Patent No. 4,654,290).

The present application is directed at a method of marking a skin for a vehicle interior panel with a laser to indicate the position or function of a switch. The switch is embedded in the foam layer of the panel beneath the skin. An area of the skin that overlies one or more switches has a laser beam projected on to its surface and the surface contacted by a laser beam changes color relative to an area not contacted by the laser beam, creating a marking in the outer surface of the skin which may be used to indicate the position or function of the underlying switch or switch array. See, e.g., claim 1.

First, as a procedural note, in the Office Action of April 3, 2003, the Examiner relied upon EP 0771 695 A1 and US Pat. No. 4,654,290. The Examiner responded stating that Applicant could not attack the references individually, where the rejection was based upon a combination. Office Action of September 30, 2003, at page 4. However, this rejection is not fully understood since Applicant pointed out that neither reference, either alone or in combination, suggested the method of marking a skin with a laser to indicate the position or function of a switch located beneath the skin for vehicle, where the skin was formed by casting, spray coating, blow molding or thermoforming, wherein the panel comprises a substrate, foam layer and skin layer.

On that note, in the present Office Action, the Examiner has presented newly cited Fillion et al, United States Patent No. 5,952,630. The question becomes, then, whether Applicant's earlier filed amendment does, as suggested, become obvious in view of this newly cited information.

Fillion '630 is directed at a vehicle interior trim panel electrical switch assembly

comprising a plurality of low-profile force sensitive variable resistance resistor sensors embedded in a foam layer of a door armrest. Indicia may **only be printed** on the continuous outer surface, or the flexible skin may comprise a **raised area** in overlying relationship to the sensors. Fillion, et al. United States Patent No. 5,448,028 is directed at a pressure activated modular switch positioned between a substrate and a flexible outer skin in a vehicle soft interior trim panel and a **depressed or raised area** in the flexible skin adjacent to the outer portion of the switch. Additional independent claims are directed at indicia **printed** on the outside face surface of the flexible skin for indicating location of the switch.

That much being the case, Fillion '630 and/or Fillion '028 do not teach or suggest anything regarding the advantages, desirability, convenience or even hint at the opportunity to successfully project a laser beam to an outer skin surface in an area that overlies a switch (embedded in foam).

Turning to Spanjer (United States Patent No. 4,654,2990), this reference is directed at a device for marking by radiation a covering means, or encapsulation means, comprising a compound formed from a plastic resin and a coloring material wherein said coloring material comprises titanium dioxide in the range of 1%-5% by weight. The field of the invention includes markable plastic encapsulation for electronic devices and improved laser marked electronic devices, say with an identifying series of numbers.

The Spanjer reference discloses and claims "covering means **coating** a portion of said internal assembly" (claim 1) and "encapsulation means over a portion of said internal assembly" (claim 4). In the Specification of the '290 patent at column 3, lines 44-54, the coating means or encapsulation means are further expanded upon to include "transfer molding, injection molding or potting" which are "well known in the art".

The Examiner nonetheless took the position that the "polymeric material of Spanjer '290 includes a skin layer". While certainly, the polymer material of Spanjer '290 may have a outer surface which is the same composition as the rest of the polymer present, Spanjer '290 does **not**

teach or suggest the use of a skin separately formed by casting, spray coating, blow molding or thermoforming, having a color, and that such skin can be effectively discolored by a laser, over a switch, embedded in a foam.

In one sense, the position of the Examiner, while understandable up to a point, would stand the proposition that any polymer material under any circumstance as applied to any product configuration or device, can be laser scored for marking purposes. This would appear contrary to 35 USC 103. For example, clearly, the Examiner can appreciate that various particular applications that may be conceived, one must establish, through experimentation, whether laser would work without damaging other features of the product.

Furthermore, in the present application, the material which itself contacts the electrical device (switch), and which amounts to foam, is not itself marked nor need it contain 1%-5% TiO₂. Rather, a flexible skin (cast, sprayed, blowmolded or thermoformed) overlies the encapsulating or coating media (foam) and that skin may be marked by the application of a laser beam. Again, this is contrary to all of the references cited, either alone or in combination.

Accordingly, the three cited references, United States Patent Nos. 5,952,630 (newly cited) and 5,448,028 (newly cited); and 4,654,290, separately or in combination do not teach or suggest a method of marking a skin with a laser to indicate the position or function of a switch located beneath the skin, the switch embedded in a foam layer and the skin formed by casting, spray coating, blow molding or thermoforming, wherein a vehicle interior trim panel comprises a substrate, foam layer, and said skin layer.

In consideration of the remarks hereinabove, Applicants respectfully submit that all claims currently pending in the application are believed to be in condition for allowance. Allowance at an early date is respectfully solicited.

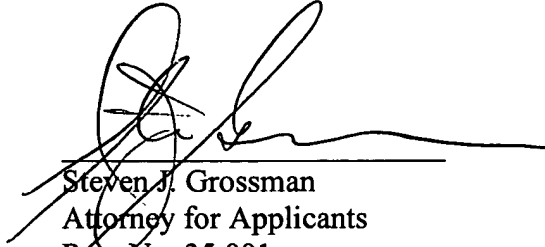
In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge

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them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 30, 2003, 2003, at Manchester, New Hampshire.

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